

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TROY WHITE,
Petitioner,
v.

CALVIN JOHNSON, *et al.*,
Respondents.

Case No. 2:21-cv-01800-GMN-VCF

ORDER

This action is a petition for writ of habeas corpus by Troy White, an individual incarcerated at Nevada's High Desert State Prison. The Court received White's habeas petition (ECF No. 1-1), along with an application to proceed *in forma pauperis* (ECF No. 1) and a motion for appointment of counsel (ECF No. 1-2), on September 29, 2021. In an order entered on October 1, 2021 (ECF No. 3), the Court denied White's application to proceed *in forma pauperis* and ordered him to pay the filing fee. White paid the filing fee on November 1, 2021 (ECF No. 4).

Therefore, the Court has examined White's habeas petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases. The Court will order the petition served on the respondents.

White filed, with his petition, a motion for appointment of counsel (ECF No. 1-2). "Indigent state prisoners applying for habeas corpus relief are not entitled to appointed counsel unless the circumstances of a particular case indicate that appointed counsel is necessary to prevent due process violations." *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986) (citing *Kreiling v. Field*, 431 F.2d 638, 640 (9th Cir. 1970) (per curiam). The court may, however, appoint counsel "if the interests of justice so require." See 18 U.S.C. § 3006A; see also Rule 8(c), Rules Governing § 2254 Cases;

1 *Chaney*, 801 F.2d at 1196. The Court determines that, in the interests of justice,
2 appointment of counsel is warranted in this case.

3 **IT IS THEREFORE ORDERED** that the Clerk of the Court is directed to separately
4 file the petition for writ of habeas corpus (ECF No. 1-1), and the motion for appointment
5 of counsel (ECF No. 1-2).

6 **IT IS FURTHER ORDERED** that Petitioner's Motion for Appointment of Counsel
7 (ECF No. 1-4) is **GRANTED**. The Federal Public Defender for the District of Nevada
8 (FPD) is appointed to represent the petitioner. If the FPD is unable to represent the
9 petitioner due to a conflict of interest or other reason, then alternate counsel will be
10 appointed. In either case, counsel will represent the petitioner in all federal-court
11 proceedings relating to this matter, unless allowed to withdraw.

12 **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to
13 electronically serve upon the FPD a copy of this order, together with a copy of the
14 petition for writ of habeas corpus (ECF No. 1-1).

15 **IT IS FURTHER ORDERED** that the FPD will have 30 days from the date of this
16 order to file a notice of appearance, or to indicate to the Court its inability to represent
17 the petitioner in this case.

18 **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to add Aaron
19 Ford, Attorney General of the State of Nevada, as counsel for Respondents and to
20 provide Respondents an electronic copy of all items previously filed in this case by
21 regenerating the Notice of Electronic Filing to the office of the Attorney General only.

22 **IT IS FURTHER ORDERED** that the respondents will have 30 days from the date
23 of this order to appear in this action. Respondents will not be required to respond to the
24 habeas petition at this time.

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GLORIA M. NAVARRO
UNITED STATES DISTRICT JUDGE